

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**JONATHAN LEIGH WIENKE,**

Defendant.

**Case No.: 3:16CR26  
(GROH)**

**SECOND AMENDED SCHEDULING ORDER**

On November 14, 2016, Chief District Judge Gina M. Groh entered an Order [ECF No. 41] Continuing the Trial and Pretrial Conference in this matter. Based on that Order, the Court hereby **AMENDS** its **First Amended Scheduling Order [ECF No. 21]**, and sets the following amended disclosure, pre-trial, and trial dates:

IT IS ORDERED THAT:

(1) Rule 404(b), Giglio, and Roviaro evidence shall be disclosed on or before **December 27, 2016**. LCrR16.06.

(2) It is requested that the government disclose materials described in 18 U.S.C. § 3500 (Jencks Act material) on or before **December 27, 2016**.

(3) All proposed voir dire questions, motions in limine (which must be limited to matters actually in dispute) and proposed jury instructions shall be submitted by counsel to the Court and opposing counsel on or before **December 27, 2016**. LCrR24.01.

The proposed jury instructions will (1) contain the style of the case, (2) the name of the party submitting the jury instructions, (3) be separately and consecutively

numbered, (4) state by title the subject matter of the instruction, and (5) include a recorded citation of authority in support of the proposed jury instruction.

Objections to opposing counsel's instructions of law are due in writing no later than the last working day before trial.

Counsel are required to provide to the court by email the voir dire and instructions in WordPerfect or Microsoft Word format. Please contact the Chief District Judge's Chambers for an email address prior to filing.

(4) By **December 27, 2016**, counsel for each party shall file with the United States Clerk's Office, Martinsburg Division and serve upon opposing counsel a list of probable witnesses and possible witnesses (identified as such), but not whether or not the Defendant shall be a witness. The list shall state the full name and address of each witness and shall also contain a brief statement of the subject matters to be covered by each witness. Expert witnesses and record custodians, shall be identified as such on the list. LCrR16.07.

(5) By **December 27, 2016**, counsel for each party shall file with the United States Clerk's Office, Martinsburg Division and serve upon opposing counsel a list of exhibits to be offered at trial. In addition, counsel for each party shall number the listed exhibits with evidence tags which may be obtained from the Clerk and shall exchange a complete set of marked exhibits with opposing counsel (except for large or voluminous items or other exhibits that cannot be reproduced easily). LCrR16.08.

(6) If this matter results in the formulation of a plea agreement, counsel shall submit to the Court the executed plea agreement or an unexecuted final proposed agreement by **January 3, 2017**.

(7) A pre-trial conference in this case will be held on **January 5, 2017, at 9:30 a.m.**, before the Honorable Gina M. Groh, to discuss all pending matters and to confirm the trial date.

(8) **Jury selection** in this matter will be conducted before the Court at the following time and place:

W. Craig Broadwater Federal Building and U.S. Courthouse  
217 West King Street  
Martinsburg, West Virginia 25401

Second Floor before Chief District Judge Groh

**January 10, 2017, at 9:00 a.m.**

(9) **Trial** will commence upon completion of jury selection in all cases scheduled for trial.

**IF A PARTY DESIRES TO FILE A MOTION FOR A CONTINUANCE OF A TRIAL OR ANY OTHER SCHEDULED EVENT, COUNSEL FOR THAT PARTY SHALL, PRIOR TO THE FILING OF ANY MOTION, MEET AND CONFER WITH OPPOSING COUNSEL AND AGREE UPON THREE NEW DATES SHOULD THE MOTION BE GRANTED AND THAT INFORMATION SHALL BE INCLUDED IN THE MOTION. IF COUNSEL FOR THE OPPOSING PARTY OBJECTS TO A CONTINUANCE, THAT FACT SHALL ALSO BE NOTED IN THE MOTION.**


(10) Defendant shall appear at every scheduled matter including, but not limited to, motion hearing, pretrial conference, trial and every other proceeding.

(11) Defense counsel shall notify the Clerk of Court in writing at least a week in advance if the services of an interpreter are required for a hearing or trial.

(12) All deadlines set forth in the previous scheduling order, unless amended herein, remain in full force and effect.

The Clerk of the Court is directed to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: 11/30/2016

  
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ROBERT W. TRUMBLE  
UNITED STATES MAGISTRATE JUDGE